

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**June 3, 2010**



**Conditional Use Permit CU10-03: Edward Sanchez**

**CASE DESCRIPTION:** a request for approval of a Conditional Use Permit to allow a funeral home on property zoned Residential District – 5000 (RD-5)

**LOCATION:** 3600 Shirley Drive on the northeast side of Shirley Drive between Elaine Drive and Nancy Street, being Lots 6 and 7 in Block 3 of the Woodville Acres Subdivision – Phase 3 in Bryan, Brazos County, Texas

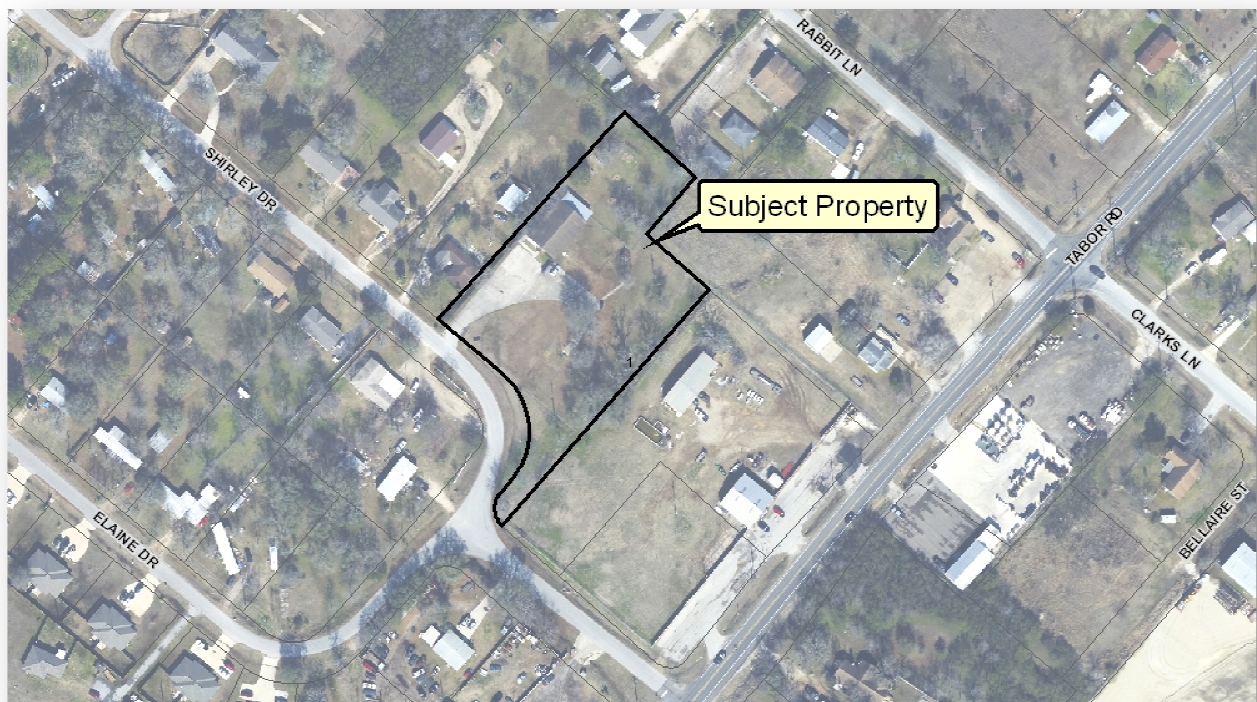
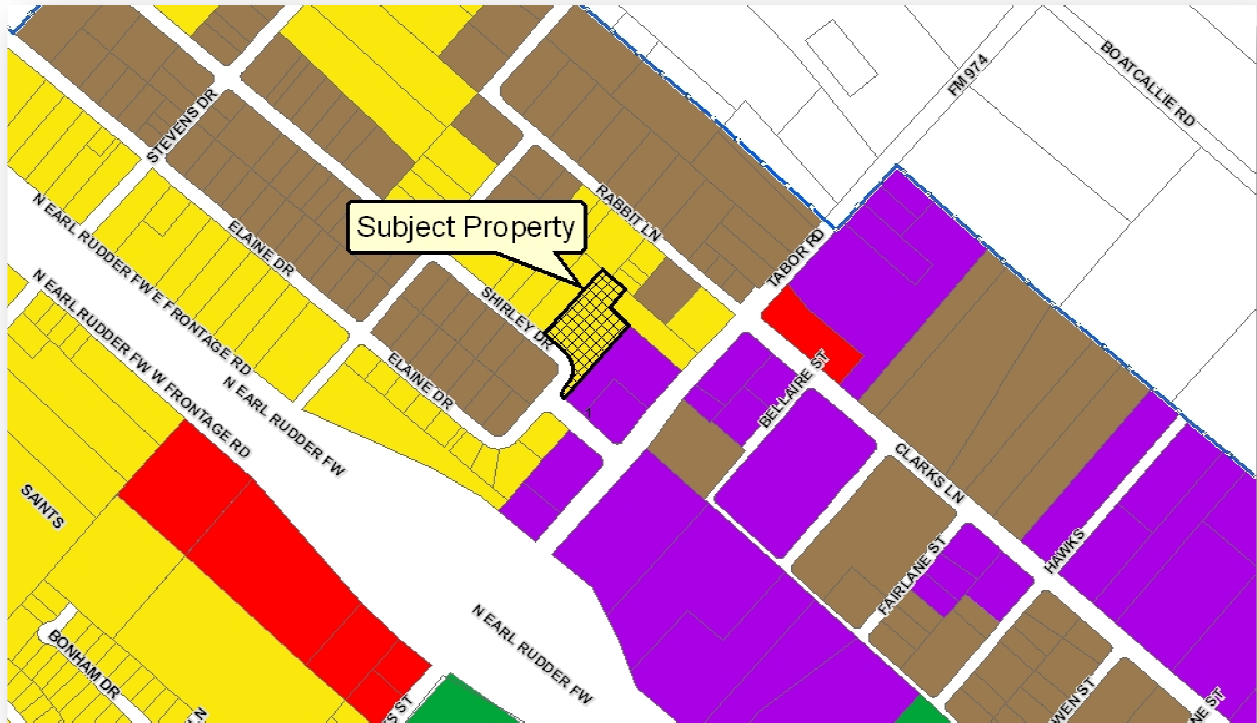
**ZONING:** Residential District – 5000 (RD-5)

**EXISTING LAND USE:** child care facility

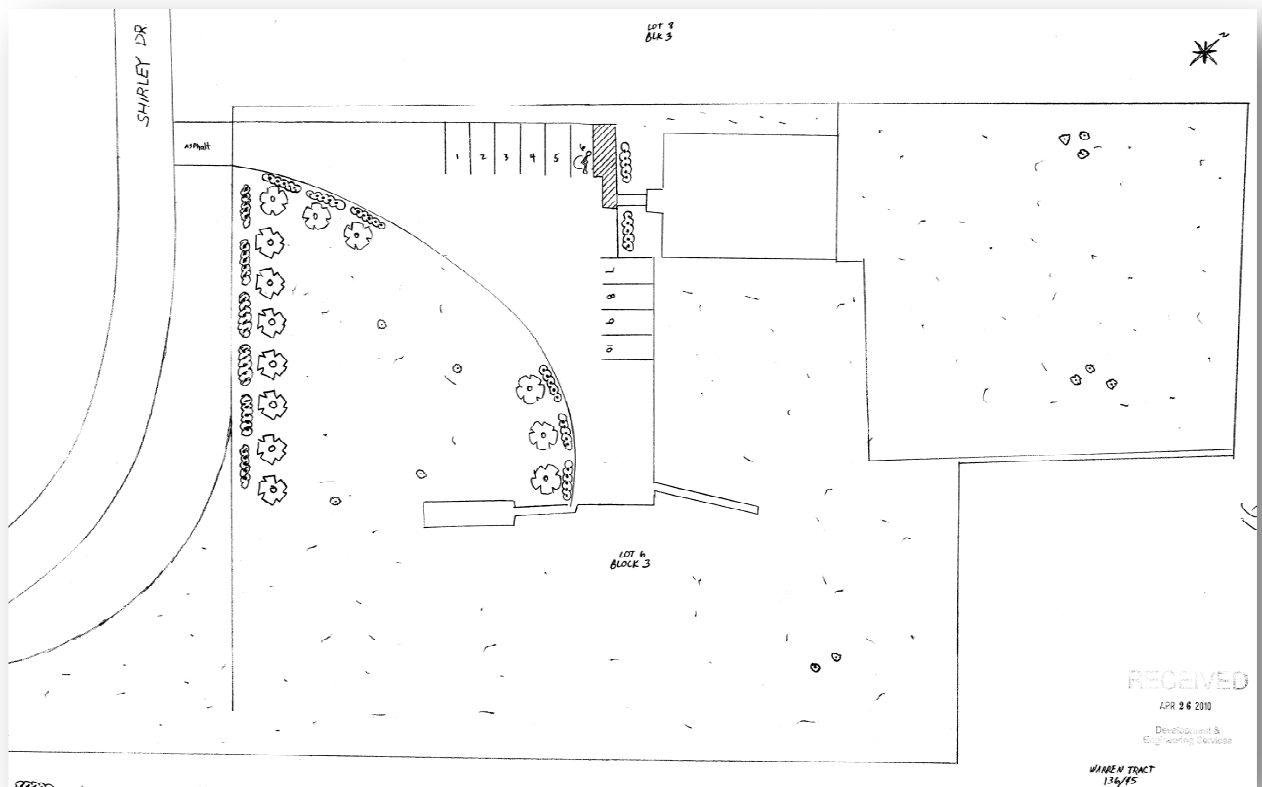
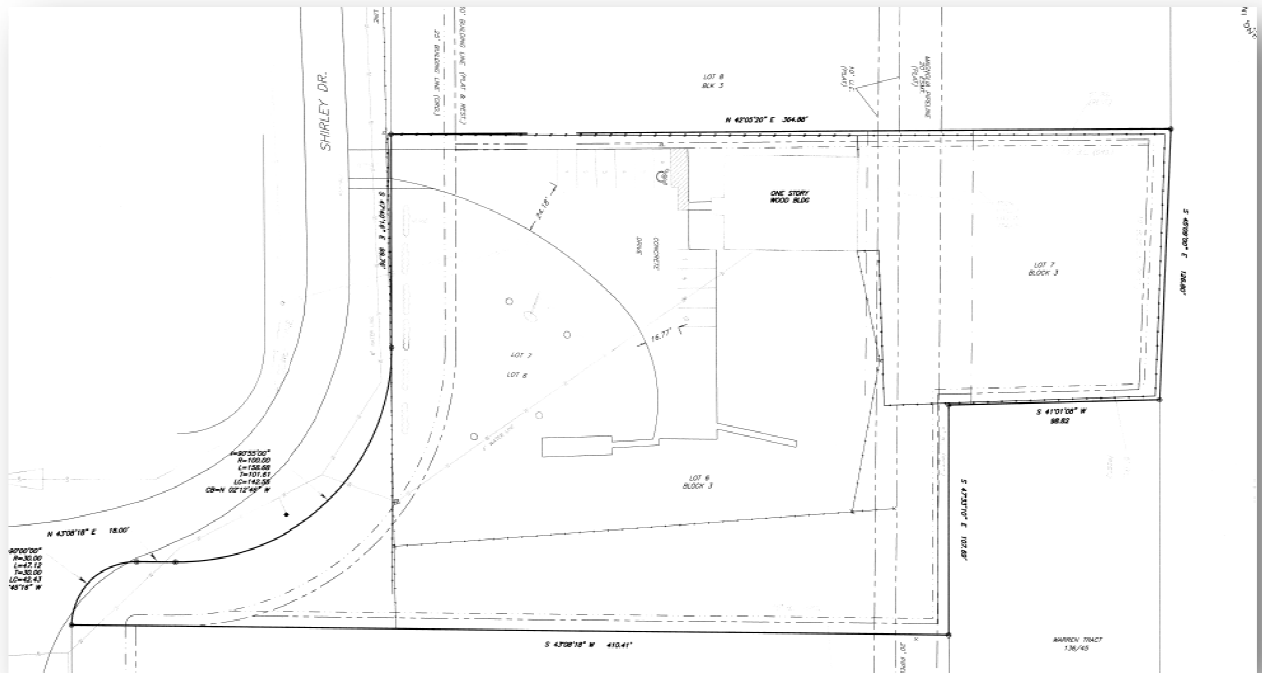
**APPLICANT(S):** Edward Sanchez

**STAFF CONTACT:** Randy Haynes, Project Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** this Conditional Use Permit, **subject to the condition** that that the funeral chapel's seating capacity shall not exceed 20 seats.



**SITE PLAN:**



## PHOTO OF SUBJECT PROPERTY:



## BACKGROUND:

The 2+ acre subject property is currently zoned Residential District- 5000 (RD-5). The applicant, Mr. Edward Sanchez, represents the owners of the subject property who wish to market this property to a funeral home operator. Funeral homes are potentially allowed in RD-5 zoning districts, but only with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. Mr. Sanchez is requesting such a Conditional Use Permit, which, if approved would allow the operation of a funeral home at this location in accordance with the site plan that is attached to this staff report.

## RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this particular request:

### Chapter 5: Land Use

#### 5.5. Land Use Policies

##### Use-Specific Land Use Policies

##### Redevelopment and Infill Policies

Policy statements:

The City of Bryan will encourage and promote compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically.

Land Use Goal #1:

Achieve a balance of land uses within the city.

Land Use Goal #1, Objective A:

Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

**ANALYSIS:**

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

**The funeral home will conform to all applicable regulations and standards established by the Zoning Ordinance and the Land and Site Development Ordinance. No variations from existing standards are being requested.**

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

**The subject property is a large, open tract that lies along a curve on the northeast side of Shirley Drive. Traveling northwest along Shirley Drive, the end of the curve just past the subject property delineates the entrance to a residential neighborhood. South of the subject property, several tracts are zoned for industrial use.**

**Because of its large, open nature and its position at the edge of the residential district, staff contends that the proposed funeral home use at this location would be compatible with existing or permitted uses on abutting sites in terms of use and physical development features. Staff believes that a funeral home use at this location would allow for a transition of land use intensities from the more intense industrial activity surrounding the intersection of Tabor Road and Elaine Drive, to the residential neighborhood farther northwest of the subject property.**

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

**Staff believes that the proposed funeral home at this location will not create unfavorable effects or impacts on abutting properties. Staff contends that use of the property as a funeral home will in fact be somewhat less intense than the currently permitted childcare facility. In this case, the childcare facility is licensed by the State of Texas to care for as many as 60 children, (Class B license). From an auto-visits-per-day point of view, at maximum capacity, there could be in excess of 120 vehicle trips per day associated with the child care use.**

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.



**The applicant has stated to staff that the chapel area of the building will be very small, having a seating capacity of less than twenty. The applicant explains that in instances where a larger service is planned, then the facilities of local churches and not this facility would be utilized. In the interest of ensuring that the proposed funeral home use does not expand to exceed the capacity of the existing facility, staff recommends that, if the Commission is inclined to approve the request, to establish as a condition that the chapel seating capacity not exceed 20 persons.**

**Staff finds that overall there will be significantly less traffic generated by the proposed use than that currently experienced from the childcare operation.**

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

**No new physical development features are proposed on the property, therefore, no additional impact concerning erosion, flood, fire and other hazards are expected. In other words, no new buildings or parking areas are proposed for the planned use of this former childcare facility as funeral home. Please note that if this request were approved and in the future an expansion of a funeral home operation at this location is proposed, then the Planning and Zoning Commission would have to consider and approve any such expansion plans with a new Conditional Use Permit request at that time. The subject property is already screened from the abutting residential properties with a privacy fence.**

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

**Staff contends that the proposed funeral home at this location should not have any adverse effects on traffic control or adjacent properties. The small scale of the proposed funeral home operation can be expected to have even less traffic impact in this vicinity than those experienced from the daily operations of the currently permitted childcare facility at this location.**

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

**There is adequate and convenient off-street parking, as required by City ordinances and regulations.**

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

**The Zoning Ordinance allows for certain business establishments to exist in residential neighborhoods so long as the surrounding residential land use is protected from potentially adverse impacts of these businesses. Funeral homes are one such use that the Zoning Ordinance potentially allows in residential districts. Staff believes that, in this particular case, the request to operate a funeral home conforms to the objectives and purpose of the RD-5 zoning district. This RD-5-zoned property lies at the edge of a large residential area. A funeral home, like the existing childcare facility, can provide a useful transition between this residential neighborhood and the heavy commercial and industrial uses on properties to the south and east.**

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

**Staff can identify no factors that would produce ill effects or would be detrimental to public health, safety or welfare.**

10. Whether the premises or structures are suitable for the proposed conditional use.

**The existing premises and structure on the property are currently occupied by a childcare facility. Staff believes that this particular property with its improvements is suitable for the proposed conditional use and compatible with adjacent land uses.**

#### **RECOMMENDATION:**

Based on all these considerations, staff **recommends approving** the requested Conditional Use Permit, **subject to the condition that that the funeral chapel's seating capacity shall not exceed 20 seats.** The proposed funeral home appears to conform to land use recommendations of the Bryan Comprehensive Plan and the meets the required criteria for approval of Conditional Use Permits as stipulated by the Zoning Ordinance. Because of its large, open nature and its position at the edge of the residential district, staff contends that the proposed funeral home use at this location would be compatible with existing or permitted uses on abutting sites in terms of use and physical development features. Staff believes that a funeral home use at this location would allow for a transition of land use intensities from the more intense industrial activity surrounding the intersection of Tabor Road and Elaine Drive, to the residential neighborhood farther northwest of the subject property.